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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/500,637 | 07/02/2004 | Ernst Flege | 4561-2 | 3004 |

23117 7590 06/08/2005

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EXAMINER

BUI, BING Q

ART UNIT PAPER NUMBER

2642

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/500,637 | Applicant(s) FLEGE ET AL. | |
| | Examiner Bing Q Bui | Art Unit 2642 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/02/04 & 10/22/04. (7/2/04, only 1 page)</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's Preliminary Amendment filed on 7/02/2004 has been entered. Claims 1-12 have been amended. No claims have been cancelled. No claims have been added. Claims 1-12 are still pending in this application, wherein claims 1 and 9 being independent.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed 7/02/04 fails to submit the second sheet (e.g., Sheet 2 of 2) of reference listing PTO 1449. Therefore, only Sheet 1 of 2 of the recited IDS is considered.

Drawings

3. The drawings 1-3 and 4 are objected to because the drawings do not show legends explaining the number shown the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 7 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to

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cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. A switching system as claimed in "which" claim? For examination purpose, Examiner assumes that claim 7 is an dependent of claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Miloslavsky (US Pat No. 6,130,933).

Regarding claim 1, referring to Figs 1-3, Miloslavsky teaches a switching system telecommunications (e.g., CTI system/call center 142) for switching incoming and/or outgoing calls with a PBX system (e.g., ACD/PBX 202), comprising at least one input channel (e.g., 204) and at least one output channel (e.g., 220) connectable to a PBX system, wherein the output channel provides both a voice connection as well as a control connection, with the control connection allowing direct access to the operator-relevant PBX functionality of the PBX system (e.g., CTI server 222) connected via the output channel (see Fig 2; and col. 7, lns 11-28).

Regarding claim 2, Miloslavsky teaches the switching system as claimed in claim 1, wherein the control connection is provided via a CTI link (e.g., 220) which is

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configured for a CTI protocol provided by the PBX system (see Fig 2; and col. 7, Ins 11-28).

Regarding claim 3, Miloslavsky teaches the switching system as claimed in claim 1, wherein the switching system comprises an operator position (e.g., service agent 215 or 218) which provides operator functions which allow access to the service features of the PBX system, especially the switching of calls to the individual extensions of the PBX system as well as callback (see fig 4; and col. 9, ln 37-col. 10, ln 34).

Regarding claim 4, Miloslavsky teaches the switching system as claimed in claim 1, wherein the switching system comprises at least one translation unit which translates the operator functions into the CTI protocol of the respective PBX system (to be connected (see fig 2; and col. 4, ln 65-col. 5, ln 51).

Regarding claim 5, Miloslavsky teaches the switching system as claimed in claim 1, wherein the switching system comprises several operator positions (e.g., service agents 215 and 218).

Regarding claim 6, Miloslavsky teaches the switching system as claimed in claim 1, wherein the switching system provides call center functions, especially for distributing the incoming calls among the individual operator positions (see fig 3; and col. 8, Ins 31-65).

Regarding claim 7, Miloslavsky teaches the switching system as claimed in claim 1, wherein the voice connection occurs in an analog way, especially via PSTN (see fig 1; and col. 3, ln 66-col. 4, ln 46).

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Regarding claim 8, Miloslavsky teaches the switching system as claimed in claim 1, wherein the voice connection occurs in a digital way, especially via ISDN (see fig 1; and col. 3, ln 66-col. 4, ln 46).

As to claims 9-11 , they are rejected for the same reasons set forth to rejecting claims 1, 2 and 4, respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky '933.

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The feature transferred by an overload method depending on the load either to a local operator position of the PBX system of claim 12 is not raised to a level of patentability since the recited feature has been practically used for a number of years. For example, in a service call center environment, an incoming call can be transferred from a service agent to another within a call center, or from a call center to another due to overload of incoming calls.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 6,373,836

U.S. Pat. No. 6,668,286

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

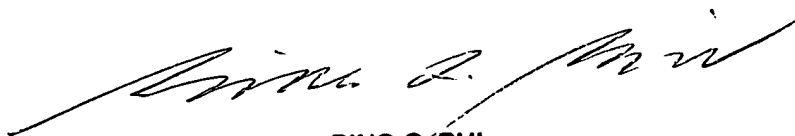
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

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☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

17 Apr 2005

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', is written over a horizontal line.

BING Q. BUI
PRIMARY EXAMINER